

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellant:

Appeal No.: 2007-0748

PETER ROBERT FLUX

Application No.: 09/890,771

Filed: March 5, 2002

For: SAFETY LINE ANCHOR

Attorney Docket No.: UDL-0157-PUSA

TALK TO LINDA

**REQUEST FOR RESCHEDULING OF ORAL HEARING**

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
U.S. Patent & Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

For reasons discussed below, Appellant hereby requests rescheduling of the Oral Hearing date previously scheduled for April 26, 2007.

On April 24, 2007, Appellant's undersigned attorney received a telephone call from Ms. Lisa Beam of the Board and was told that a Notice of Hearing had been mailed by the Board on March 6, 2007 and that a hearing was scheduled for two days later on April 26, 2007. Upon reviewing Appellant's file for the patent application involved, it was determined that no Notice of Hearing was received and this was further confirmed by review with the Master Docket Administrator, Ms. Carol Mlynczyk, for Brooks Kushman P.C. as well as by review with the Administrative Assistant for the undersigned attorney, Ms. Susan Shepherd, who maintains his Individual Docket. Neither the Master Docket nor the Individual Docket showed that any such Notice of Hearing had been received.

**CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8 (FACSIMILE)**

I hereby certify that this paper, including all enclosures referred to herein, is being facsimile transmitted to the U.S. Patent & Trademark Office at the BPAI facsimile number (571) 273-0299.

May 4, 2007

Date of Transmission

James A. Kushman

Typed Name of Person Signing

Signature

2007-1205

S/N: 09/890,771

Atty Dkt No. UDL 0157 FUSA

After receiving the April 24, 2007 telephone call from Ms. Beam, the undersigned attorney on April 25, 2007 received a telephone call from Ms. Elenore Cook of the Board and told her that due to previously scheduled commitments and the foreign location of the Applicant and British patent agent through which the application is being handled, it was not possible to attend the hearing the following day as scheduled on April 26, 2007.

On May 2, 2007, the Board sent a facsimile copy of the March 6, 2007 Notice of Hearing, copy attached. The undersigned then called Ms. Cook of the Board who instructed him to file this request for rescheduling of the hearing.

For the above reasons, it is respectfully requested that the Notice of Hearing be rescheduled.

Respectfully submitted.

PETER ROBERT FLUX

By: James A. Kushman

James A. Kushman

Reg. No. 25,634

Attorney for Appellant's

Date: May 4, 2007

**BROOKS KUSHMAN P.C.**  
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Attachment



UNITED STATES PATENT AND TRADEMARK OFFICE

Board of Patent Appeals and Interferences

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U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Page 1

Brooks & Kushman  
Twenty Second Floor  
1000 Town Center  
Southfield, MI 48075

Appeal No: 2007-0748  
 Appellant: Peter Robert Flux  
 Application No: 09/890,771  
 Hearing Room: B  
 Hearing Docket: B  
 Hearing Date: Thursday, April 26, 2007  
 Hearing Time: 09:00 AM  
 Location: Madison Building - East Wing  
 600 Dulany Street, 9th Floor  
 Alexandria, Virginia 22313-1450

UDL 0157P45A

### NOTICE OF HEARING CONFIRMATION REQUIRED WITHIN TWENTY-ONE DAYS

Your attention is directed to 37 CFR § 41.47. The above identified appeal will be heard by the Board of Patent Appeals and Interferences on the date indicated. Hearings will commence at the time set and as soon as the argument in one appeal is concluded, the succeeding appeal will be taken up. The time allowed for argument is twenty minutes unless additional time is requested and permitted before the argument is commenced. If there are any inquiries, please contact the Clerk of the Board at 571-272-9797.

CONFIRMATION OR WAIVER OF THE HEARING IS REQUIRED. This form must be completed below and facsimile transmitted to both: (1) the USPTO Central fax number (official copy), and (2) the Board of Patent Appeals and Interferences fax number (courtesy copy) within TWENTY-ONE (21) DAYS from the mailing date of this notice indicating confirmation or waiver of the hearing. A copy of this notice may be alternately filed by mail if facsimile is not available.

BPAI HEARINGS FAX No: (571) 273-0299

USPTO Central Fax No: (571) 273-8300

BPAI Mailing Address: BOARD OF PATENT APPEALS AND INTERFERENCES  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VIRGINIA 22313-1450

In all communications relating to this appeal, please identify the appeal by its number.

CHECK ONE: ( ) HEARING ATTENDANCE CONFIRMED ( ) HEARING ATTENDANCE WAIVED

Signature of Attorney/Agent/Appellant

Date

Registration No.

Names of other visitors expected to accompany counsel:

For information on visitor access to hearing rooms and security procedures at the USPTO Alexandria Campus, see  
<http://www.uspto.gov/patoffice/alexandria/visitor-access.html>

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**FAX**

**To:** BOARD OF PATENT APPEALS AND INTERFERENCES

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**Company:** UNITED STATES PATENT AND TRADEMARK OFFICE

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**Phone No.:** (571) 272-9797

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**From:** James A. Kushman

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**Date:** May 4, 2007 **Approx. Time:** 10:30 a.m.

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**File No.:** UDL 0157 PUSA **Total Pages (w/cover):** 4

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**Message:**

Appeal No. 2007-0478  
Appellant: Peter Robert Flux  
Application No. 09/890,771